

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

BRIAN A. STOVER

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00711

SOUTH CENTRAL REGIONAL JAIL,

Defendant.

ORDER

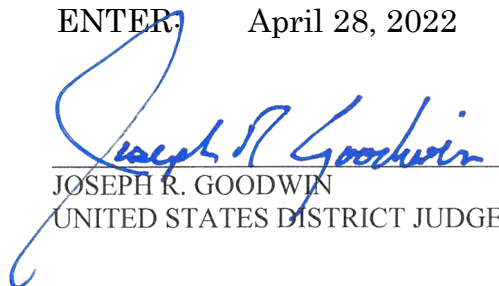
This action was referred to United States Magistrate Judge Dwane L. Tinsley on October 27, 2020, for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On April 6, 2022, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendations (“PF&R”) [ECF No. 5] and recommended that I deny Plaintiff’s pending Application to Proceed Without Prepayment of Fees and Costs [ECF No. 4] and dismiss this matter for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Objections to Magistrate Judge Tinsley’s PF&R were due no later than April 25, 2022.¹

¹ The docket reflects that the PF&R mailed to Plaintiff was returned as undeliverable on April 13, 2022, but this does not excuse the failure to file objections by the deadline. “A pro se party must advise the clerk promptly of any changes in name, address, and telephone number.” L.R. Civ. P. 83.5.

Neither party timely filed objections to the PF&R nor sought an extension of time. A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court **ADOPTS** and incorporates herein the PF&R and orders judgment consistent therewith. Plaintiff’s Application to Proceed Without Prepayment of Fees and Costs [ECF No. 4] is **DENIED**. I order this case to be **DISMISSED** and **REMOVED** from the docket of the Court. The Clerk is **DIRECTED** to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 28, 2022



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE